

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

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ESTATE OF ROGER D. :  
OWENSBY JR., et al., :  
:   
Plaintiffs, :  
vs. : Case No. 01-CV-769  
: (Judge S. A. Spiegel)  
CITY OF CINCINNATI, :  
et al., :  
:   
Defendants. :  
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Videotaped deposition of ROBERT BLAINE JORG, a  
defendant herein, called by the plaintiffs for  
cross-examination, pursuant to the Federal Rules of  
Civil Procedure, taken before me, Wendy Davies  
Welsh, a Registered Diplomate Reporter and Notary  
Public in and for the State of Ohio, at the offices  
of Helmer, Martins & Morgan Co. LPA, 1900 Fourth &  
Walnut Centre, 105 East Fourth Street, Cincinnati,  
Ohio, on Tuesday, October 14, 2003, at 10:12 a.m.

COPY

1 and walked away.

2 Q. I want to ask you about the first time  
3 that you saw the person that was later identified to  
4 you as LA. And I believe in your statement of  
5 March 2002 you indicated it was a couple weeks  
6 before November 7, 2000.

7 A. I -- it's been a long time. I don't know.

8 Q. Well, you understand the -- the period of  
9 time that I'm referring to?

10 A. Yes.

11 Q. As I understand it from your statement you  
12 were with Officer Hunter in, I believe your term is  
13 "old clothes"; is that right?

14 A. Correct.

15 Q. Would you explain for us what old clothes  
16 are?

17 A. Undercover work, surveillance, not in a  
18 marked police unit or any outside appearance that  
19 you are a police officer.

20 Q. Were you and Officer Hunter in a car?

21 A. Yes.

22 Q. What -- without going into any detail, can  
23 you tell me what kind of car it was?

24 A. Very old, out of date, unsuspecting car.

1 Q. But it wasn't a truck or a van?

2 A. (Shaking head.) It was a four-door sedan.

3 Q. And when you first saw the person later  
4 identified to you as LA, what time of day was it?

5 A. Somewhere -- it was daylight. I don't  
6 remember what time of the day it was.

7 Q. Do you remember whether it was afternoon  
8 or morning?

9 A. Well, we worked from one in the afternoon  
10 till nine at night. It was, I'm guessing, about  
11 this time of the year. So it gets dark before  
12 seven. It was still daylight.

13 Q. And where were you and Officer Hunter  
14 located?

15 A. We were sitting in the Cincinnati Gardens  
16 parking lot.

17 Q. Now, Cincinnati Gardens is across Langdon  
18 Farm Road from the Sunoco station, correct?

19 A. Correct.

20 Q. And you were in that parking lot, I guess,  
21 looking north toward the Sunoco station?

22 A. I assume that's north, yes.

23 Q. Okay. And as I understand it, you and  
24 Officer Hunter had a pair of binoculars?

1 A. Correct.

2 Q. What did you observe?

3 A. Well, I was driving, so Officer Hunter was  
4 looking through the binoculars, for the most part.  
5 Once he observed what he determined as drug  
6 transactions, he gave the binoculars to me to see if  
7 I knew any of the people that were involved. I --  
8 he described what they were wearing, I tried to see  
9 if I could recognize them. I did not. Gave the  
10 binoculars back to him. And I believe we asked for  
11 a car to meet us up there, and that's when we  
12 proceeded to make a stop.

13 Q. In the Cincinnati Gardens parking lot,  
14 were you up against the Cincinnati Gardens building?

15 A. No.

16 Q. Or where in the parking lot were you  
17 located?

18 A. Close to the edge of the guardrail, sort  
19 of in the middle-ish of the lot, if I remember  
20 correctly.

21 Q. Did Officer Hunter explain to you what he  
22 saw that led him to believe that there was some sort  
23 of drug deal taking place?

24 A. Yes, he did.

1 Q. What did he say?

2 A. The exacts, I don't remember. Basically,  
3 he had one guy that was holding, meaning possessing  
4 the actual drugs, one person that was flagging down  
5 the cars, and one person that was taking the money.

6 Q. And where were these individuals located?

7 A. Standing on the edge of the Sunoco lot by  
8 the guardrail and telephone, right by the Sam's  
9 Drive Thru.

10 (Plaintiffs' Exhibit 3  
11 was marked for identi-  
12 fication.)

12 Q. I'm going to give you two exhibits here.  
13 One is an aerial photograph and one is a map.  
14 Exhibit 3 is an aerial photograph.

15 (Plaintiffs' Exhibit 4  
16 was marked for identi-  
17 fication.)

17 Q. Exhibit 4 is a map.

18 On Exhibit 3 would you put the letter A  
19 on -- well, first, let me ask you, do you -- do you  
20 recognize Exhibit 3?

21 A. Yes. I believe I do.

22 Q. All right. And you see that running  
23 generally east-west is Langdon Farm Road and running  
24 generally north-south is Seymour?

1 where the individuals were located.

2 A. I believe that's right. It's hard to tell  
3 without buildings.

4 MR. MARTINS: Can you make copies? We're  
5 going to make copies of that for everyone  
6 before we go on. Thank you.

7 Q. When you observed -- after you observed  
8 this, what did you do?

9 A. I'm sorry, the -- the day with Officer  
10 Hunter?

11 Q. Yes. You and Officer Hunter are sitting  
12 in the car. You're in the driver's seat, he's in  
13 the passenger's seat. He has the binoculars. He  
14 observes what he believes to be some drug activity.  
15 He hands the binoculars to you to see if you can  
16 identify any of the individuals. You look. You  
17 cannot identify the individuals. What happens next?

18 A. One of us got on the radio to request an  
19 additional car for a stop that's going to be made in  
20 the area. I don't remember exactly how we left the  
21 lot. I believe we circled around and went down  
22 Langdon Farm -- or not Langdon Farm. What road is  
23 that? Seymour, I guess.

24 We pulled into the lot and identified

1 ourselves as police officers, and that's when one of  
2 the subjects ran, who allegedly was making the  
3 actual deal. Officer Hunter proceeded to chase him,  
4 and I had the other two sit down by the pay phone.

5 Q. Did you see the person that ran actually  
6 make any kind of deal?

7 A. No.

8 Q. So you're basing that on what Officer  
9 Hunter told you?

10 A. Yes.

11 Q. And as I understand it, that person runs  
12 and Officer Hunter takes off after him?

13 A. Correct.

14 Q. How did you identify yourselves to these  
15 individuals?

16 A. As police officers, as we're pulling out  
17 our chains with our badges on them. They may have  
18 even been out before we stepped out of the car. I  
19 don't remember.

20 (Plaintiffs' Exhibit 5  
21 was marked for identi-  
22 fication.)

22 Q. Show you Exhibit 5.

23 MR. MARTINS: Let me distribute -- this is  
24 Exhibit 3 we made copies of.

1 A. Correct.

2 Q. And no large sums of money were found,  
3 correct?

4 A. Correct.

5 Q. At some point after Officer Hunter took  
6 off, Officer Hunter returns. What does he tell you?

7 A. He got away.

8 Q. Did he give you any detail of where the  
9 person went?

10 A. He's-- said he got away. I asked him if  
11 he was all right, because he had, if I remember  
12 correctly, some grass stain on him, and he was  
13 carrying the person's sweatshirt or sweat coat or  
14 something of that nature. And David just kind of  
15 laughed about it and said, "Yeah, I had him at one  
16 point, and he struggled right out of it and got  
17 away."

18 Q. When you approached the person that --  
19 that ran wearing the hooded sweatshirt, was the  
20 sweatshirt one that zipped up the front or was it a  
21 pullover?

22 A. It could have been tied around his waste  
23 or held in his hand. I don't remember.

24 Q. You don't know?